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Vincent J. Zimmer

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EXAMINER

DOAN, TRANG T

ART UNIT

PAPER NUMBER

2131

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,508	Applicant(s) ZIMMER ET AL.	
	Examiner TRANG DOAN	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-11,13,18-23 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-11,13,18-23 and 25-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 06/17/2008.
2. Claims 1, 10, 18, 25 and 28 have been amended.
3. Claims 7, 12, 14-17 and 24 have been canceled.
4. Claims 1-6, 8-11, 13, 18-23 and 25-29 are pending for consideration.

Response to Arguments

5. Applicant has amended claim 10 to overcome the rejection under 112 1st paragraph. However, after reviewing the Applicant's specification (paragraph 0010), Examiner disagrees with Applicant's argument. Therefore, the rejection under 112 1st paragraph is respectfully maintained.
6. Applicant's arguments filed on 06/17/2008 have been fully considered but they are not persuasive.

Applicant argues that Sekiguchi does not describe or suggest determining if a trusted boot is disabled and booting the desired operating system if the trusted boot is disabled even if the user credential is not authorized to allow booting of the desired operating system. Examiner respectfully disagrees. Examiner wants to point out to Applicant that the newly added limitation does not connect with other steps in the previous independent claims. Booting is occurred in the fourth limitation of the previous independent claims. Examiner does not understand why the re-booting process is again occurred in the newly added limitation. According to the figure 4A and figure 4B of Applicant, when trusted boot is not enabled, the next step is handoff user credentials

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to the OS then the last step is perform boot. Examiner will interpret the newly independent claims as best understood. Therefore, the process of handing off user credentials to the OS (i.e., either authenticate or not authenticate by the OS) and performing boot, do disclose in Sekiguchi (See paragraph 0020: transmitting user information (i.e., user ID and security information) to a server via a network; paragraph 0022: delivering control to the operating system together with an OS boot option, and booting the operating system).

The examiner is not trying to teach the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. The examiner will not interpret to read narrowly the claim language to read exactly from the specification, but will interpret the claim language in the broadest reasonable interpretation in view of the specification. Therefore, the examiner asserts that cited prior art does teach or suggest the subject matter broadly recited in independent Claims and in subsequent dependent Claims.

Claim Objections

7. Claim 5 is objected to because of the following informalities:

“a portable token, and biometric information”, in line 2, should be changed to “a portable token and biometric information”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no where in Applicant's specification suggesting that "an article of manufacture storing machine accessible instructions" recited in the newly amended claim 10.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1, 5-6, 8-10, 18 and 22-23, 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Sekiguchi (US 2001/0052069) (hereinafter Sekiguchi).

12. Regarding claim 1, Sekiguchi discloses a method of booting a processor system, the method comprising: accepting a selection of a desired operating system to be booted (Sekiguchi: paragraphs 0077-0078: a user transmits a selected operating system to a server. The server will authenticate the user and if the authentication is granted, the server will let the user to boot the user-specific environment at the user

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terminal using the operating system selected by the user); accepting a user credential associated with a user who has selected the desired operating system to be booted (Sekiguchi: paragraphs 0078-0079, 0097 and 0107: the user provides authentication data to the server); determining if the user credential is authorized to allow booting of the desired operating system (Sekiguchi: paragraphs 0089 and 0098-0100); enabling booting of the desired operating system if the user credential is authorized to allow booting of the desired operating system (Sekiguchi: paragraph 0097); and determining if a trusted boot is disabled and booting the desired operating system if the trusted boot is disabled even if the user credential is not authorized to allow booting of the desired operating system (Sekiguchi: paragraphs 0020, 0022, 0078-0079, 0097 and 0107).

13. Regarding claims 5 and 22, Sekiguchi discloses wherein the user credential comprises one or more of a salted password, a portable token and biometric information (Sekiguchi: paragraphs 0009 and 0107).

14. Regarding claims 6 and 23, Sekiguchi discloses wherein determining if the user credential is authorized to allow booting of the desired operating system comprises determining if the user credential corresponds to a credential from a platform owner (Sekiguchi: paragraphs 0089 and 0098-0100).

15. Regarding claim 8, Sekiguchi discloses enabling a platform owner to modify a list of user credentials and the desired operating systems to which they correspond (Sekiguchi: paragraph 0079).

16. Regarding claim 9, Sekiguchi discloses determining if a platform owner has been established and enabling a user to enter a platform owner credential if no platform

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owner has been established (Sekiguchi: paragraphs 0005, 0021, 0032-0033, 0047, 0079, 0097 and 0100).

17. Regarding claim 10, this claim has limitations that is similar to those of claim 1, thus it is rejected with the same rationale applied against claim 1 above.

18. Regarding claim 18, this claim implements claim 1 and this it is rejected with the same rationale applied against claim 1.

19. Regarding claim 25, Sekiguchi discloses an apparatus to control selection of operating system booting the apparatus comprising: a permissions table storing user credentials and boot objects corresponding to the user credentials (Sekiguchi: paragraphs 0021, 0033, 0060, 0079, 0089, 0097 and 0100: permission table (i.e., user registered database)); and a user verification segment coupled to the permissions table and accepting a selection of a desired operating system to be booted and further accepting a submitted user credential associated with a user who has selected the desired operating system to be booted, the user verification segment determining if the submitted user credential is authorized to boot the desired operating system (Sekiguchi: paragraphs 0021, 0033, 0060, 0079, 0089, 0097 and 0100) and determining if a trusted boot is disabled and booting the desired operating system if the trusted boot is disabled even if the user credential is not authorized to allow booting of the desired operating system (Sekiguchi: paragraphs 0020, 0022, 0078-0079, 0097 and 0107).

20. Regarding claim 26, Sekiguchi discloses wherein the user verification segment returns an address of the desired operating system if the submitted user credential is authorized to boot the desired operating system (Sekiguchi: see Abstract section).

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21. Regarding claim 27, Sekiguchi discloses wherein determining if the user credential is authorized to allow booting of the desired operating system further comprises comparing the user credential to at least one operating system boot object (Sekiguchi: paragraphs 0021, 0033, 0060, 0079, 0089, 0097 and 0100).

22. Regarding claim 28, Sekiguchi discloses when executed, cause a machine to compare the user credential to at least one operating system boot object to determine if the user credential is authorized to allow booting of the desired operating system (Sekiguchi: paragraphs 0021, 0033, 0060, 0079, 0089, 0097 and 0100).

23. Regarding claim 29, Sekiguchi discloses wherein the processor is further programmed to compare the user credential to at least one operating system boot object to determine if the user credential is authorized to allow booting of the desired operating system (Sekiguchi: paragraphs 0021, 0033, 0060, 0079, 0089, 0097 and 0100).

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 2-4, 11, 13 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi in view of Fish et al. (US 2003/0110370) (hereinafter Fish).

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26. Regarding claims 2, 11 and 19, Sekiguchi does not explicitly disclose a legacy operating system. Fish teaches determining if the desired operating system comprises a legacy operating system (Fish: paragraphs [0007, 0013 and 0015]). Therefore, it would have been obvious to one ordinary skill in the art to apply the teaching of the legacy operating system of Fish into Sekiguchi's system to use application program interface in which software that uses firmware routines is dependent upon firmware implementation detail because a large number of resources have been designed under this traditional (system level resources, which are initiated, configured and services by the firmware) paradigm and are thus dependent upon a legacy boot process. Because of these sunk costs, it may be desirable to have new legacy-free computing environments support such legacy boot processes (Fish: paragraph [0007]).

27. Regarding claims 3 and 20, Sekiguchi does not explicitly disclose a legacy operating system. Fish teaches wherein if the desired operating system comprises a legacy operating system, a basic input/output system (BIOS) boot specification determines a boot object for the desired operating system (Fish: paragraphs [0007, 0013, 0015 and 0043]). Therefore, it would have been obvious to one ordinary skill in the art to apply the teaching of the legacy operating system of Fish into Sekiguchi's system to use application program interface in which software that uses firmware routines is dependent upon firmware implementation detail because a large number of resources have been designed under this traditional (system level resources, which are initiated, configured and services by the firmware) paradigm and are thus dependent upon a legacy boot process. Because of these sunk costs, it may be desirable to have

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new legacy-free computing environments support such legacy boot processes (Fish: paragraph [0007]).

28. Regarding claims 4, 13 and 21, Sekiguchi does not explicitly disclose a non-legacy operating system. Fish teaches wherein if the desired operating system does not comprise a legacy operating system, a boot next variable option boot object indicates a location of the desired operating system (Fish: paragraphs [0016, 0019 and 0033]). Therefore, it would have been obvious to one ordinary skill in the art to apply the teaching of the non-legacy operating system of Fish into Sekiguchi's system to use an API in which software that uses firmware routines is not dependent upon firmware implementation detail because a large number of resources have been designed under this traditional (system level resources, which are initiated, configured and services by the firmware) paradigm and are thus dependent upon a legacy boot process. Because of these sunk costs, it may be desirable to have new legacy-free computing environments support such legacy boot processes (Fish: paragraph [0007]).

Conclusion

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRANG DOAN whose telephone number is (571)272-0740. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Trang Doan/

Examiner, Art Unit 2131

/Syed Zia/

Primary Examiner, Art Unit 2131